

August 22, 2005
WP53154

Ann Wessel
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

SUBJECT: Phase I Municipal Permit comments

Dear Ms. Wessel:

Thank you for the opportunity to comment on the Preliminary Draft of the Phase I permit. We appreciate the fact that Ecology did not have to issue this draft for comment, but recognized that a better final product would result from this early opportunity to discuss Ecology's current approach. Overall, we are encouraged by the emphasis on inspection and enforcement that is in this new permit. Those are the tools we have found to be most beneficial over the last 10 years of our current permit.

The comments have been added to the permit draft itself, with general comments in lavender, and language changes in turquoise.

A few general comments about the permit are in order.

Under S2. Authorized Discharges, we would like to see a return to MEP for the entire stormwater system, as intended in the Clean Water Act. The definitions for new discharge are too broad, and will include just about any change to flow, quality, or location of outfall. This will unnecessarily complicate management of our MS4 as a system, and open us to further liability.

This permit is very prescriptive compared to the 1995 permit. It reads such that it does not recognize the extensive amount of work we have done under the first permit, and the fact that we have all evolved distinct processes for handling permit items. Being able to customize certain aspects of the permit would help the public understand how far we have come (and where we need to improve).

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This permit imposes requirements on us that constitute Ecology attempting to hand down responsibilities that have always been the purview of Ecology under 90.48. We are not willing to accept those responsibilities, and this is outlined in the comments in the permit.

Monitoring is outlined as a huge task under this permit, and yet the benefits of the monitoring as proposed are not clear. We think that money spent on inspection and enforcement is better spent. All permittees and Ecology need to resume discussions that ended several years ago on what constitutes a reasonable and useful monitoring program, and we need to have one party (such as the UW) do the monitoring and analysis for many of the projects that will be proposed. We must be thinking regionally to obtain information useful to all the Western Washington permittees.

Your revised language with regard to TMDLs is much improved over the last permit. We would ask that you ensure that monitoring requirements as required under the TMDL and permit take effect after the DIP is completed, since that is where all parties and the public process have allocated responsibility for monitoring, not at the culmination of EPA approval.

It was regrettable that the Reporting section was not available for review at this time. This portion is essential in understanding what constitutes compliance, and needs to be simple to be effective and timely. The vast number of deadlines in this permit make the reporting section even more important, and we look forward to reviewing it in the near future.

Again, thank you for this opportunity to comment. We also appreciated Ms. Wessel meeting with us to discuss successes in our program to date, and where we can enhance our program under the new permit. You may call us anytime to clarify points made in our review of the permit.

Sincerely,

Heather Kibbey
Water Quality Specialist

Enclosure

cc: File